

July 7, 2004

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Re: Applicant(s): Haiming Wang et al.  
Title: System for Analyzing Surface Characteristics with Self-Calibrating Capability  
Application No.: 09/405,716 Filing Date: 09/24/1999  
Examiner: Zandra V. Smith Group Art Unit: 2877  
Docket No.: TNCR.170US1 Conf. No.: 9795

Dear Sir:

Transmitted herewith are the following documents in the above-identified application:

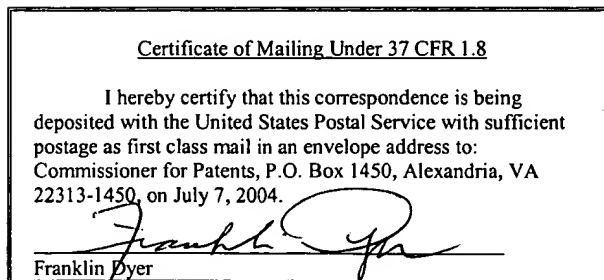
- (1) Return Receipt Postcard;
- (2) This Transmittal Letter (1 page – in duplicate);
- (3) Issue Fee Transmittal (1 page – in duplicate);
- (4) Comments on the Statement for Reasons for Allowance (2 pages);
- (5) Check for \$1,339.00.

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Respectfully submitted,

*James S. Hsue*  
James S. Hsue  
Reg. No. 29,545  
Date July 7, 2004



In The United States Patent And Trademark Office

Applicants: HAIMING WANG ET AL.

Assignee: KLA-TENCOR CORPORATION

Title: SYSTEM FOR ANALYZING SURFACE CHARACTERISTICS  
WITH SELF-CALIBRATING CAPABILITY

Serial No.: 09/405,716 Filing Date: September 24, 1999

Examiner: Zandra V. Smith Group Art Unit: 2877

Docket No.: TNCR.170US1

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San Francisco, California  
July 7, 2000

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Washington, DC 22313-1450

**COMMENTS ON THE STATEMENT FOR REASONS FOR ALLOWANCE**

Dear Sir:

In the reasons for allowance in regard to claim 29, it is stated that the prior art of record fails to disclose or render obvious a sample measurement system that includes the combination of a fixed or rotating polarizing element prior to the sample. This, however, is not required in claim 29 which comprises "providing a beam of polarized radiation having a linearly polarized component, and supplying radiation from the beam to the sample." Thus this beam of polarized radiation may be provided with or without the use of a fixed or rotating polarizing element prior to the sample. The reasons for allowance of claim 29 also requires "a second rotating polarizing element and a fixed linear polarizer after the sample." Claim 29 requires that radiation modified by the sample be modulated by a rotating polarizing element and by another fixed or rotating linear polarizer, which is different from the statement in the reasons for allowance of claim 29.

Attorney Docket No.: TNCR.170US1

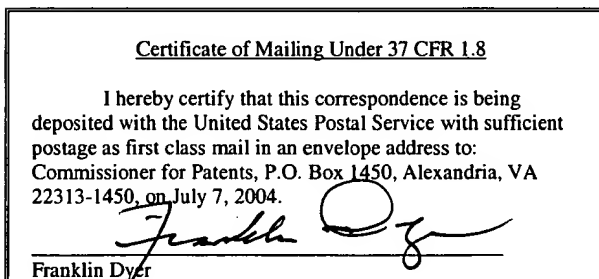
Application No.: 09/405,716

In the reasons for allowance of claim 37, it is stated that the prior art of record fails to disclose or render obvious a system that includes a rotating phase modulator and a rotating polarizer to derive ellipsometric parameters of the sample and parameters of the source, optics or modulator. It is noted, however, that instead of the above requirement, claim 37 requires that the polarization of the beam of radiation prior to its detection be modulated by a modulating device which comprises a rotating phase modulator and a rotating polarizer, and that the parameters that are derived are those of the source, optics or modulating device, and not necessarily that of the rotating phase modulator.


Claim 70 is allowed on the grounds that a rotating phase modulator and a rotating polarizer are provided to derive parameters of the source, optics or modulator. In contrast, claim 70 does not require the use of a rotating phase modulator and does not require the derivation of parameters of the source, optics or modulator.

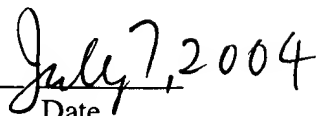
The reasons for allowance attributed to claim 80 appears to apply to the wrong claim. Instead these reasons should be applied to claim 88 instead. Assuming that this is the case, it is further noted that claim 88 does not require that the cylindrical objective be a lens, in contrast to the statement of reasons for allowance.

As for the reasons for allowance of claims 97, 103, 114, 119 and 123-125, it is noted that some of these claims are method claims and some are apparatus claims. Furthermore, it is noted these claims derive any depolarization caused by the sample rather than depolarization of the sample as stated in their reasons for allowance.



Respectfully submitted,

  
James S. Hsue  
Reg. No. 29,545

  
Date